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**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH**

**Proposed Rule**  
LSA Document #08-126

**DIGEST**

Amends [345 IAC 9-2.1-1](#) and [345 IAC 10-2.1-1](#) to update federal regulations incorporated by reference. Makes other changes in the law of meat and poultry inspection. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[345 IAC 9-2.1-1](#); [345 IAC 10-2.1-1](#)

SECTION 1. [345 IAC 9-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 9-2.1-1](#) Incorporation by reference**

**Authority:** [IC 15-2.1-3-19](#); [IC 15-2.1-24-6](#); [IC 15-2.1-24-7](#)

**Affected:** [IC 4-21.5-3](#); [IC 15-2.1-2](#); [IC 15-2.1-19](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2005: **2008**:

- (1) 9 CFR 301, except the definitions in [IC 15-2.1](#) and [345 IAC 9-1-3](#) shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
  - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
  - (B) 9 CFR 306.1.
  - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
  - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416 through 9 CFR 441.
- (6) 9 CFR 500, except the following:
  - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H, shall mean [IC 15-2.1-19](#) and [IC 4-21.5-3](#).
  - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-2.1-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of [345 IAC 9-2](#).
- (2) A reference to:
  - (A) 9 CFR 307.4 shall refer to [345 IAC 9-7-4](#);
  - (B) 9 CFR 307.5 shall refer to [345 IAC 9-7-6](#); and
  - (C) 9 CFR 307.6 shall refer to [345 IAC 9-7-6](#).
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of [345 IAC 9-12](#).
- (4) A reference to:
  - (A) 9 CFR 316.16 shall refer to [345 IAC 9-16-16](#);
  - (B) 9 CFR 317.4 shall refer to [345 IAC 9-17-4](#);
  - (C) 9 CFR 317.5 shall refer to [345 IAC 9-17-5](#); and
  - (D) 9 CFR 317.16 shall refer to [345 IAC 9-17-16](#).
- (5) A reference to:
  - (A) 9 CFR 321.1 shall refer to [345 IAC 9-20](#); and
  - (B) 9 CFR 321.2 shall refer to [345 IAC 9-20](#).
- (6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in [345 IAC 9-22](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

*(Indiana State Board of Animal Health; [345 IAC 9-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10,*

1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1552; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))

SECTION 2. [345 IAC 10-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 10-2.1-1](#) Incorporation by reference; poultry products inspection**

**Authority:** [IC 15-2.1-3-19](#); [IC 15-2.1-24-6](#); [IC 15-2.1-24-7](#)

**Affected:** [IC 4-21.5-3](#); [IC 15-2.1-2](#); [IC 15-2.1-19](#); [IC 15-2.1-24-14](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2005, ~~relating to poultry products inspection:~~ **2008:**

(1) 9 CFR Part 362 with the following amendments and additions:

(A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.

(B) Fees for voluntary inspection service shall be charged in accordance with [IC 15-2.1-24-14\(c\)](#).

(C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.

(2) 9 CFR 381.1, except the definitions in [IC 15-2.1](#) and [345 IAC 10-1-1](#) shall control over conflicting definitions in 9 CFR.

(3) 9 CFR 381.10 with the following amendments and additions:

(A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.

(B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.

(4) 9 CFR 381.11 through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

(6) 9 CFR 381.189 through 9 CFR 381.194.

(7) 9 CFR 381.300 through 9 CFR 381.500.

(8) 9 CFR 416 through 9 CFR 441.

(9) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean [IC 15-2.1-19](#) and [IC 4-21.5-3](#).

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-2.1-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in [345 IAC 10-2](#).

(2) References to:

(A) 9 CFR 381.36 refer to [345 IAC 10-7-1](#);

(B) 9 CFR 381.37 refer to [345 IAC 10-7-2](#) and [345 IAC 10-7-3](#); and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to [345 IAC 10-7-4](#).

(3) References to:

(A) 9 CFR 381.96 refer to [345 IAC 10-13-1](#);

(B) 9 CFR 381.98 refer to [345 IAC 10-13-2](#);

(C) 9 CFR 381.99 refer to [345 IAC 10-13-3](#);

(D) 9 CFR 381.100 refer to [345 IAC 10-13-4](#);

(E) 9 CFR 381.101 refer to [345 IAC 10-13-5](#);

(F) 9 CFR 381.103 refer to [345 IAC 10-13-6](#);

(G) 9 CFR 381.110 refer to [345 IAC 10-13-7](#); and

(H) 9 CFR 381.111 refer to [345 IAC 10-13-8](#).

- (4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to [345 IAC 10-14-18](#) and [345 IAC 10-14-20](#).
- (5) References to:
  - (A) 9 CFR 381.185 refer to [345 IAC 10-18-1](#); and
  - (B) 9 CFR 381.186 refer to [345 IAC 10-18-2](#).
- (6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of [345 IAC 10-20](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

*(Indiana State Board of Animal Health; [345 IAC 10-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

#### [Notice of Public Hearing](#)

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